

**ROYAL OAK PLAN COMMISSION
211 WILLIAMS STREET
ROYAL OAK, MICHIGAN
www.ci.royal-oak.mi.us**

**September 11, 2007
7:30 P.M.**

Present

Edward Anderson
Pat Capello, City Commissioner
Sharlan Douglas
Clyde Esbri, Vice-Chairman
Thomas Hallock, Chairman
James Ellison, Mayor
Elizabeth Hollow
Wil White, Fire Chief

Absent

Stacie Vorves

Staff

Timothy Thwing, Director of Planning

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AGENDA

- 1. CALL TO ORDER**
- 2. PUBLIC COMMENT**
- 3. APPROVAL of MINUTES, August 14, 2007**
- 4. PUBLIC HEARING**
 - A. REQUEST TO REZONE PROPERTY FROM ONE-FAMILY RESIDENTIAL TO NEIGHBORHOOD BUSINESS at 1901 East Eleven Mile Road (portion of the former Lincoln Early Childhood Learning Center).**

Petitioner: GAV & Associates, Petitioner/Architect
Investico, Ned Hakim, Owner (buyer)
Royal Oak School District (seller)
 - B. SPECIAL LAND USE AND SP-07-09-23, A SITE PLAN TO PERMIT THE CONVERSION OF THE GROUND FLOOR FROM GENERAL OFFICE TO A MEDICAL OFFICE at 812 S. Main Street.**

Petitioner: Jim Rasor, Petitioner (buyer)
Jim Schneider, Schneider + Smith Architects
Robert George, Owner (seller)
 - C. SPECIAL LAND USE AND SP-07-09-24, A SITE PLAN TO PERMIT A RESIDENTIAL CONDOMINIUM UNIT TO BE CONVERTED TO A LIVE-WORK UNIT FOR CLASSES AND WORKSHOPS ON PREVENTATIVE MEDICINE at 1300 Batavia.**

Petitioner: Chris George, G4 Holdings LLC, Owner

5. OLD BUSINESS

- A. SP-07-07-18, A PRELIMINARY SITE PLAN TO PERMIT THE DEVELOPMENT OF A SITE CONDOMINIUM PROJECT WITH FIFTY (50) SINGLE FAMILY DETACHED DWELLING UNITS located on the east side of Campbell Road, between E. Fourteen Mile Road and Ottawa Avenue (former Mark Twain School site).**

Petitioner: Sean Gearhart, Pinnacle-Whitmore Park, LLC, Petitioner
Diversified Property Group, LLC, Owner (buyer)
Royal Oak School District, Owner (seller)
Paula Hepp, Atwell-Hicks, Engineer

6. NEW BUSINESS

- A. SP-07-09-25, A PRELIMINARY SITE PLAN TO PERMIT THE DEVELOPMENT OF A SITE CONDOMINIUM PROJECT WITH TWENTY (20) SINGLE-FAMILY DETACHED DWELLING UNITS located at 1901 East Eleven Mile Road (former Lincoln Early Childhood Learning Center).**

Petitioner: GAV & Associates, Petitioner/Architect
Investico, Ned Hakim, Owner (buyer)
Royal Oak School District (seller)

- B. SP-07-09-26, A SITE PLAN TO PERMIT CONVERSION OF AN EXISTING RETAIL ESTABLISHMENT TO A PERSONAL SERVICE ESTABLISHMENT at 501 S. Washington Avenue.**

Petitioner: Fringe Salon and Spa, petitioner
Mancini/Ward Architectural Design & Planning

7. OTHER BUSINESS

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1. CALL TO ORDER

Chairman Hallock called the Plan Commission meeting to order at 7:34 p.m. and asked the Commission members to introduce themselves.

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2. PUBLIC COMMENT

Chairman Hallock asked members of the audience if anyone wished to speak on any non-agenda item.

Chairman Hallock closed the Public Comment portion of the agenda.

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3. APPROVAL OF MINUTES, August 14, 2007

MOVED by Mr. Anderson
SUPPORTED by Commissioner Capello

TO APPROVE the Plan Commission minutes of the August 14, 2007 regular meeting, as submitted.

THE MOTION CARRIED 7-0-1; Chairman Hallock abstained.

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4. PUBLIC HEARING

A. REQUEST TO REZONE PROPERTY FROM ONE-FAMILY RESIDENTIAL TO NEIGHBORHOOD BUSINESS at 1901 East Eleven Mile Road (portion of the former Lincoln Early Childhood Learning Center).

Petitioner: GAV & Associates, Petitioner/Architect
Investico, Ned Hakim, Owner (buyer)
Royal Oak School District (seller)

The petitioner has requested the rezoning of approximately 1.6 acres for the front portion of the property from One-Family Residential to Neighborhood Business to allow for a commercial development. Mr. Thwing reported that the surrounding zoning is One-Family Residential. Plan Commission members had a packet of information that included a land use map, the future land use map, a summary of the request, background information as well as a list of eight (8) criteria the Plan Commission must use in making a recommendation to the City Commission regarding rezoning. The report included a list of the types of businesses allowed in Neighborhood Business. A conceptual site plan was shown. Mr. Thwing advised that the Planning Department received one (1) letter regarding opposition to the proposed rezoning.

John Bagowski
GAV & Associates, Architects

The proposed project is a retail development consisting of 3 smaller buildings. Two of the buildings are standard types of retail and one would be a possible bank or restaurant. There would be no drive-through. The retail space would be available for lease.

Chairman Hallock asked if this was a firm basic design or if the concept would change.

Mr. Bagowski replied that the actual outside building envelope would get smaller if there were any changes.

Ms. Douglas wanted to know the relationship between this space and the land behind it because all had the same address.

Mr. Thwing advised that staff has not reviewed a site plan nor is a site plan under

consideration. First, the Plan Commission needs to decide whether or not to allow a change in the zoning that would allow this type of development. The petitioner is required to provide a conceptual plan to show what they would do on the site; it's not the plan you will see later on should the Plan Commission support the rezoning.

Mayor Ellison stated that this conceptual plan is what's driving the site to be rezoned to this size. What's troubling him is the depth of the development.

Mr. Thwing stated that the adjacent lot is very shallow, about 110 ft. The rezoning request is about 210 ft. deep. The depth is driven by the size of the neighborhood plaza, parking in front of a building and a drive around the back.

Mr. Bagowski said the depth is due to the requirements of the Zoning Ordinance and for fire trucks to have access around the back. Generally, it's the zoning requirements for parking that require larger and larger pieces of land. They are showing the maximum envelope based on what the City is requiring around the building as well as for easements and vehicular access.

Commissioner Capello said that anything that is done will impact the residential piece of property, as well.

Mr. Thwing explained that with regard to the property to the north, the intent was to separate the building into two separate buildings with a drive out to Eleven Mile Road, to be lined up with Dorchester with a traffic light. That would provide an entrance into the site and the easement would service both uses. All utilities will come off Eleven Mile Road. However, these are site design issues which would occur after a rezoning.

Commissioner Capello was also concerned about the depth of the intrusion into residential property.

Mr. Anderson asked if this plan had been seen by the neighbors or if the proposed condo site had been discussed with the neighbors.

Mr. Bagowski said no, they had not spoken to any residents.

Chairman Hallock opened the Public Hearing.

Rachele Downs
211 North Edison

Residents are most concerned about the proposed relationship between the retail portion and how that will impact the traffic pattern to the north. It will affect their quality of life and residential values. Their home values will drop with this kind of traffic pattern and the residents will never recover.

Dan Nichols
119 North Edgeworth

Mr. Nichols has no big concern with the residential. He is concerned with the rat issue;

Kentucky Fried Chicken and the smells, and if there is to be a restaurant, what kind? Will they fry food? What type of building is proposed? Is there brick work? What about texture, materials, etc.? He is excited about new residential as it could help their home values go up, but he wants quality work. Can the utilities/sewers handle the additional residential load?

Steve Dunneback
200 North Edison

Mr. Dunneback feels the property can be used as it is currently zoned. With regard to Recommendation #6 provided by staff: "Is there sufficient capacity of public utilities, services and street systems to accommodate the potential uses in the requested zone without compromising the city's health, safety and welfare?", he feels this plan is not safe. There will never be a street through the commercial area. The petitioner never approached or talked to the neighbors about this project. After the school was torn down, a development with single family units with possibly two businesses on the ends was to be proposed, similar in size and shape as the current businesses on Eleven Mile Road. This is outrageous—you can put a Farmer Jack store in there. He would like to see a portion of the area zoned office/service, which would have fewer uses. With Neighborhood Business, more uses can go in. He opposes the rezoning. Mr. Dunneback submitted a petition with eighteen (18) names opposed to the rezoning.

Tom Wiechec
304 North Campbell

Mr. Wiechec agrees with the previous comments, including increased traffic patterns. He opposes the rezoning. A time capsule is buried in the northeast corner of the lot, about 25 ft. from the edge of the property. It was part of a school project several years ago.

Jose Cuello
207 North Kenwood

Mr. Cuello is not opposed to this development. He offered a complaint about the process. The residents have not been fully informed by major government agencies about what is happening in their neighborhood and the consequences. It seems the school board, City Hall, the City Commission, the Plan Commission, etc., all have only one piece of the puzzle. He wasn't consulted about what will happen to his neighborhood and is concerned the property values will go down while taxes go up.

Susan Yorke
217 North Kenwood

A single homeowner, Ms. Yorke bought a home behind a school, considering it 'safe'. Because of the safety factor, she is concerned about the businesses providing additional traffic and the types of people frequenting the businesses. The petitioner can't guarantee what kind of business will go in there and that is subject to change. She opposes the rezoning. Single family zoning is safer for this area.

Kevin Kruger
117 North Kenwood

Mr. Kruger is opposed to the rezoning. He is aware that change is inevitable, but we don't need more businesses. He doesn't like the depth of the development and there is no substantial parking. Mr. Kruger is in agreement with other comments about having access to the residential in back. He was never notified about the demolition of the school.

Marie Cuello
207 North Kenwood

Ms. Cuello is trying to understand the whole process. It was her understanding that the front of this parcel is already zoned commercial. There are things wrong with the design; the design is inappropriate for this area.

Dan Schneider
122 North Edison

The petitioners plan for retail is very structured. If the retail plan changes, $\frac{3}{4}$ of his backyard will become retail (Lot 64 and Lot 65). He has great concern with the retail in his backyard. Will the retail be open 24/7? Will it be closed at night? This site is close to I-75. There will be more crime. He had an earlier opportunity to move, but stayed. Now he is sorry he didn't move and he is afraid to raise his daughter here.

Barb Schwartz
118 North Kenwood

Ms. Schwartz greatly opposes anything other than single family in this area. There are so many other buildings they could choose from on Eleven Mile Road. The retail will bring more traffic and it will be unsafe for the children.

Kevin Schoening
310 North Kenwood

There are increasing vacancies in the number of buildings available in the area: Pizza Hut, video store, heating/cooling company, etc. There are plenty of buildings available. He cannot see the use of another building that may be vacant later and not maintained.

There being no further comments from members of the audience, Chairman Hallock closed the Public Hearing.

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Mayor Ellison was disappointed that the rezoning goes so deep into the property. The Plan Commission's role is to preserve the neighborhood and get the best use of the property. He would have no problem if the proposed rezoning had the same commercial depth as the Kentucky Fried Chicken property; it would not intrude into the

neighborhood. He thought the proposed plan and its configuration was driving the space they needed and he is unwilling to give them that space. He is willing to give them the frontage but he is not moving forward with the size they are asking for.

Commissioner Capello indicated she was disappointed the developer and his representatives did not discuss the plans with the neighborhood. The developers who are most successful are the ones who sit and talk with the residents about their plans so the residents have no fear of the unknown. She asked Mr. Bagowski to take this information back to the developer and have him learn from this incident.

Chairman Hallock said he had to consider both portions of this property because it's the sum of both. What sticks out glaringly is exiting and entering from the proposed condos. The streets are oriented in a north/south direction (Edison, Kenwood, Edgeworth) and we must consider traffic coming in through the rest of the neighborhood in order to get to this site. It places an undue burden on the rest of the neighborhood. People coming off of I-75 will drive up Edison to University to the site. Traffic will increase substantially. Whereas the natural flow would be to go west on Eleven Mile Road and turn up that street going north to the development. From this point alone, Chairman Hallock said he couldn't support the rezoning. It's not proper planning and it's inconsistent with the Master Plan and with the area itself. He was also uncomfortable with the depth. There would be no issue drawing a line straight across that intersection, the east portion, and it's commensurate with what is there. I understand the desire to have a deeper portion of the property but we are talking a balancing act. He could not support this the way it's configured.

Ms. Hollow, in order for the petitioner(s) to understand the process, asked what would happen if the Board denied this request.

Mr. Thwing replied that there were several options. The Plan Commission is submitting a recommendation to the City Commission and can recommend a simple denial based on the reasons being expressed. The Plan Commission can also recommend rezoning a portion smaller than what's being recommended; it can recommend a depth that is being expressed. The Plan Commission can turn the proposal back to the petitioner and have him modify the plan after he meets with the neighbors.

Ms. Douglas wanted to know the implications to the petitioner if the request is denied.

Mr. Thwing replied that if it is denied, it goes to the City Commission; they can support it or deny it. The petitioner can also return at a later date and request a rezoning of a smaller portion.

Mr. Esbri said this Commission has a history of being very supportive of progress and development. But in this case, it's at the cost of the neighborhood. We need to think about how this impacts the neighborhood. We're talking about drastically changing traffic flows and zoning changes. Mr. Esbri recommended denial of the proposed rezoning.

Mayor Ellison said his recommendation would be to have the developer take this off the table and rework it.

Mayor Ellison reconfirmed that Mr. Bagowski was present as the architect and the developer's representative, and this was his first Plan Commission meeting. He meant no offense to Mr. Bagowski, but stated that the developer is not taking the Plan Commission seriously. This was offensive to Mayor Ellison. The people here are very concerned about their neighborhood. He indicated the developer should go back and do his homework; listen to what was said; introduce themselves to the neighbors, talk to them and tell them what is being planned.

Mayor Ellison further stated that somebody should have been here tonight other than the architect attempting his first Plan Commission meeting. A development this size impacts a community and particularly, this neighborhood. He believes they are trying to make as big a commercial project as possible with the rest residential.

Mayor Ellison was willing to give them another chance and encouraged the petitioner(s) to come back and do it better.

Mr. Anderson stated he didn't like anything he saw or heard tonight. The residents have all opposed the proposed rezoning. Mr. Anderson offered to represent the residents and made the following motion:

MOVED by Mr. Anderson
SUPPORTED by Mr. Esbri

BE IT RESOLVED that the request to rezone property located at 1901 East Eleven Mile Road, legally described as

BEGINNING AT A POINT DISTANT N.89°49'00"E., 447.50 FEET AND N.00°01'12"E., 60.00 FEET FROM THE S.W. CORNER OF SAID SECTION; THENCE N.00°01'12"E., 219.53 FEET ALONG THE EAST LINE OF "BASSETT & SMITH'S FIRST STREET SUBDIVISION" AS RECORDED IN L.35, P.6, O.C.R; THENCE N.89°48'21"E., 117.92 FEET; THENCE S.00°00'05"E., 23.35 FEET; THENCE N.89°48'21"E., 146.07 FEET TO A POINT ON THE WESTERLY LINE OF "HOWARTH GARDENS" SUBDIVISION AS RECORDED IN L.15, P.29, O.C.R; THENCE N.00°48'33"E., 104.23 FEET ALONG SAID WESTERLY LINE; THENCE N.89°49'00"E., 124.30 FEET TO A POINT ON THE WEST LINE OF KENWOOD AVENUE (50 FEET WIDE); THENCE S.00°48'33"E., 120.00 FEET ALONG SAID WEST LINE TO A POINT ON THE NORTH 33.00 FOOT RIGHT-OF-WAY LINE OF 11 MILE ROAD; THENCE S.89°49'00"W., 124.30 FEET ALONG SAID 33' R.O.W. LINE; THENCE N.00°48'33"W., 27.00 FEET TO A POINT ON THE NORTH 60.00 FOOT R.O.W. LINE OF 11 MILE ROAD; THENCE S.89°49'00"W., 266.86 FEET ALONG SAID R.O.W. LINE TO THE POINT OF BEGINNING. (PART OF PARCEL NO. 25-14-354-034) CONTAINING 69,893.45 SQUARE FEET OR 1.605 ACRES OF LAND,

is hereby referred to the City Commission with a **Recommendation of Denial** based upon the following:

- a. The proposed rezoning is not consistent with the goals, objectives and policies contained in the Master Plan or the future Land Use Map.
- b. The proposed rezoning classification and subsequent allowable development are not consistent with the existing development pattern of the surrounding general area.
- c. The proposed rezoning request encroaches into an established single-family neighborhood.
- d. The property can be used as currently zoned.

THE MOTION CARRIED UNANIMOUSLY, 8-0.

Mr. Thwing advised that the petitioner can modify the plan prior to the City Commission meeting. The Plan Commission denied the proposed rezoning based on the proposal submitted to them.

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B. SPECIAL LAND USE AND SP-07-09-23, A SITE PLAN TO PERMIT THE CONVERSION OF THE GROUND FLOOR FROM GENERAL OFFICE TO A MEDICAL OFFICE at 812 S. Main Street.

Petitioner: Jim Rasor, Petitioner (buyer)
Jim Schneider, Schneider + Smith Architects
Robert George, Owner (seller)

MOVED by Commissioner Capello
SUPPORTED by Mr. Anderson

TO APPROVE a Special Land Use request to permit conversion of the ground floor from General Office to a Medical Office at 812 South Main Street and grants permission for the petitioner to seek the necessary parking variances from the Zoning Board of Appeals.

The Plan Commission hereby finds the proposed use:

- (a) Will be harmonious and in accordance with the general objectives or any specific objectives of the Master Plan.
- (b) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.
- (c) Will not be hazardous or disturbing to existing uses or uses reasonably anticipated in the future.
- (d) Will be an improvement in relation to property in the immediate vicinity and to the City as a whole.
- (e) Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility.
- (f) Will not create excessive additional public costs and will not be detrimental to the economic welfare of the City.

- (g) Will be consistent with the intent and purposes of this Ordinance, and comply with all applicable provisions and standards, which are established for said use by this Ordinance and other applicable codes.

THE MOTION CARRIED UNANIMOUSLY, 8-0.

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MOVED by Mayor Ellison
SUPPORTED by Mr. Anderson

TO APPROVE SP-07-29-23, a site plan to permit the conversion of the ground floor from General Office to a Medical Office at 812 South Main Street with the following **contingencies**:

1. Zoning Board of Appeal's approval of all necessary variances; i.e., number of off-street parking spaces.
2. Compliance with the previously approved site plan, SP-98-10-47 and all related contingencies. The property owner will be required, in accordance with Zoning Ordinance requirements to complete all site improvements prior to occupancy, including but not limited to all site improvements and the removal of the off-premise sign.
3. Master Signage Plan to the Planning Department for review and approval. All signage shall comply with the Royal Oak Sign Ordinance.
4. All improvements to the public right-of-way shall be in accordance with City Engineer specifications and standards.
5. A performance bond shall be posted, in an amount to be determined by the Building Official.
6. Site plans shall meet all other Code and Ordinance requirements, as determined by the Building Official and City Engineer, **prior** to issuance of **any** building permit.

THE MOTION CARRIED UNANIMOUSLY, 8-0.

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C. SPECIAL LAND USE AND SP-07-09-24, A SITE PLAN TO PERMIT A RESIDENTIAL CONDOMINIUM UNIT TO BE CONVERTED TO A LIVE-WORK UNIT FOR CLASSES AND WORKSHOPS ON PREVENTATIVE MEDICINE at 1300 Batavia.

Petitioner: Chris George, G4 Holdings LLC, Owner
Frank Arvan, Space

MOVED by Mayor Ellison
SUPPORTED by Commissioner Capello

TO APPROVE a Special Land Use request to permit a residential condominium unit to be converted to a live/work unit for classes and workshops on preventative medicine at 1300 Batavia Avenue.

The Plan Commission hereby finds the proposed use:

- (a) Will be harmonious and in accordance with the general objectives or any specific objectives of the Master Plan.
- (b) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.
- (c) Will not be hazardous or disturbing to existing uses or uses reasonably anticipated in the future.
- (d) Will be an improvement in relation to property in the immediate vicinity and to the City as a whole.
- (e) Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility.
- (f) Will not create excessive additional public costs and will not be detrimental to the economic welfare of the City.
- (g) Will be consistent with the intent and purposes of this Ordinance, and comply with all applicable provisions and standards, which are established for said use by this Ordinance and other applicable codes.

THE MOTION CARRIED UNANIMOUSLY, 8-0.

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MOVED by Mayor Ellison
SUPPORTED by Commissioner Capello

TO APPROVE SP-07-09-24, a site plan to permit a residential condominium unit to be converted to a live/work unit for classes and workshops on preventative medicine at 1300 Batavia Avenue, with the following **contingencies**:

1. Compliance with the previously approved site plan, SP-03-02-04. The property owner will be required, in accordance with Zoning Ordinance requirements to complete all site improvements prior to occupancy.

2. Master Signage Plan to the Planning Department for review and approval. All signage shall comply with the Royal Oak Sign Ordinance.
3. All improvements to the public right-of-way shall be in accordance with City Engineer specifications and standards.
4. The Plan of Operation (letter) shall be modified to include comments made during the Plan Commission meeting, no treatment or medical procedures and no retail sales.
5. The Plan of Operation shall be reviewed by the Plan Commission 6 months after occupancy.
6. A performance bond shall be posted, in an amount to be determined by the Building Official.
7. Site plans shall meet all other Code and Ordinance requirements, as determined by the Building Official and City Engineer, **prior** to issuance of **any** building permit.

THE MOTION CARRIED UNANIMOUSLY, 8-0.

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5. OLD BUSINESS

- A. SP-07-07-18, A PRELIMINARY SITE PLAN TO PERMIT THE DEVELOPMENT OF A SITE CONDOMINIUM PROJECT WITH FIFTY (50) SINGLE FAMILY DETACHED DWELLING UNITS located on the east side of Campbell Road, between E. Fourteen Mile Road and Ottawa Avenue (former Mark Twain School site).**

Petitioner: Sean Gearhart, Pinnacle-Whitmore Park, LLC, Petitioner
Diversified Property Group, LLC, Owner (buyer)
Royal Oak School District, Owner (seller)
Paula Hepp, Atwell-Hicks, Engineer

MOVED by Mayor Ellison
SUPPORTED by Fire Chief White

TO APPROVE a preliminary site plan, as amended, to permit the development of a site condominium project with fifty (50) single family detached dwelling units located on the east side of Campbell Road, between East Fourteen Mile Road and Ottawa Avenue (former Mark Twain School site), with amended contingencies.

THE MOTION FAILED, 4-4.

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6. NEW BUSINESS

A. SP-07-09-25, A PRELIMINARY SITE PLAN TO PERMIT THE DEVELOPMENT OF A SITE CONDOMINIUM PROJECT WITH TWENTY (20) SINGLE-FAMILY DETACHED DWELLING UNITS located at 1901 East Eleven Mile Road (former Lincoln Early Childhood Learning Center).

Petitioner: GAV & Associates, Petitioner/Architect
Investico, Ned Hakim, Owner (buyer)
Royal Oak School District (seller)

MOVED by Commissioner Capello
SUPPORTED by Mr. Anderson

TO APPROVE SP-07-09-25, a preliminary site plan to permit the development of a site condominium project with twenty (20) single-family detached dwelling units located at 1901 East Eleven Mile Road (former Lincoln Early Childhood Learning Center), with the following **contingencies**:

1. A final site condominium plan shall be prepared and submitted to the Planning Department in compliance with §770-13, *Site condominium project regulations*, for review and approval by the Plan Commission.
2. Petitioner shall identify and permit an access road and service easement from East Eleven Mile Road to the subject property.
3. The petitioner shall submit revised plans as part of the final site condominium review with the following modifications:
 - a. Provide a detailed survey that identifies the location and specifications (capacity/size) of existing underground and overhead utilities, private drives, public rights-of-way zoning designations, etc., for the subject property and adjacent properties.
 - b. Provide a detailed landscape plan in compliance with the City of Royal Oak Zoning Ordinance, specifically Articles VI, Design standards. The landscape plan shall include the type, quantity and size of all landscape material and method for irrigation. An existing tree survey should also be provided that shows any trees that can be preserved as part of the development and trees that will be removed.
 - c. Provide a summary table of all Zoning Ordinance provisions related to the development site, including but not limited to, dimensional setbacks, lot coverage, etc.
 - d. The proposed use of detached single-family dwellings must be specified for each unit on the final site condominium plan.

- e. The proposed roadway shall be wide enough to provide for parking.
- 4. The final site condominium plan shall comply with all other local and state ordinance requirements and regulations, including the granting of easement to support City-infrastructure, such as the combined storm and sewer and water main.
- 5. The petitioner shall provide copies of all condominium documents required by the Michigan Condominium Act (Public Act 59 of 1978 – MCLA 559.101 et. seq.), including the master deed and by-laws, for review by the City Attorney prior to approval of the final site condominium plan. The Master Deed shall include the legal description for the property.
- 6. The final condominium site plan must comply with all applicable requirements of §658, Subdivision Regulations, including the following:
 - a. Easements (§658-17).
 - b. Streets (§658-19).
 - c. Sidewalks (§658-20).
 - d. Utilities (§658-21).
 - e. Performance guarantees (§658-22).
 - f. Maintenance guarantees (§658-24).
- 7. All improvements to the public right-of-way on the final site condominium plan shall be in accordance with City Engineer's specifications and standards.
- 8. A performance bond shall be posted as part of the final site condominium plan in accordance with §770-15, *Performance guaranty* of the Zoning Ordinance, the amount to be determined by the Building Official.

THE MOTION CARRIED UNANIMOUSLY, 8-0.

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B. SP-07-09-26, A SITE PLAN TO PERMIT CONVERSION OF AN EXISTING RETAIL ESTABLISHMENT TO A PERSONAL SERVICE ESTABLISHMENT at 501 S. Washington Avenue.

Petitioner: Fringe Salon and Spa, petitioner
Mancini/Ward Architectural Design & Planning

MOVED by Mr. Esbri

SUPPORTED by Commissioner Capello

TO APPROVE SP-07-09-26, a site plan to permit conversion of an existing retail establishment to a personal service establishment at 501 South Washington Avenue, with the following **contingencies**:

1. Petitioner shall submit a revised site plan with a note indicating that all trash shall be stored inside the building in the area identified as a "Refuse Closet" until the waste hauler removes the trash from the property to the Planning Department for review and approval. No outdoor storage of refuse containers is permitted.
2. Petitioner shall submit a revised site plan identifying the method for limiting access to the basement from the easterly staircase to the Planning Department for review and approval. The property owner has stated in a letter dated August 13, 2007, that the basement will be used for a future office tenant.
3. All exterior lighting shall comply with City Codes and Ordinances, including being directed downward and shielded so not to shine on adjacent property.
4. Master Signage Plan to the Planning Department for review and approval. All signage shall comply with the Royal Oak Sign Ordinance.
5. All improvements to the public right-of-way shall be in accordance with City Engineer specifications and standards.
6. A performance bond shall be posted, in an amount to be determined by the Building Official.
7. Site plans shall meet all other Code and Ordinance requirements, as determined by the Building Official and City Engineer, **prior** to issuance of **any** building permit.

THE MOTION CARRIED UNANIMOUSLY, 8-0.

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7. OTHER BUSINESS

A. Revisions to City of Detroit Master Plan of Policies

MOVED by Mayor Ellison
SUPPORTED by Ms. Douglas

BE IT RESOLVED, that the Royal Oak Plan Commission received, reviewed and accepts the proposed amendments to the Detroit Master Plan of Policies and extends best wishes to the City in its future endeavors.

THE MOTION CARRIED UNANIMOUSLY, 8-0.

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There being no further business to bring before the Royal Oak Plan Commission, the following motion was made:

MOVED by Mayor Ellison
SUPPORTED by Fire Chief White

TO ADJOURN the September 11, 2007 Plan Commission regular meeting.

THE MOTION CARRIED UNANIMOUSLY, 8-0.

The meeting adjourned at 11:59 p.m.

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Thomas Hallock, Chairman
Royal Oak Plan Commission

Timothy E. Thwing, Director
Planning Department

ljb